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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/010,018	12/05/2001	Paul L. Master	QST-016/1826P	4725
29141	7590	11/03/2004	EXAMINER	
SAWYER LAW GROUP LLP P O BOX 51418 PALO ALTO, CA 94303			CONTEE, JOY KIMBERLY	
			ART UNIT	PAPER NUMBER

2686

DATE MAILED: 11/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/010,018	Applicant(s) MASTER ET AL.	
	Examiner Joy K Contee	Art Unit 2686	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 July 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 8-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 8-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Allowable Subject Matter

1. The indicated allowability of claims 8-13 is withdrawn in view of the newly discovered reference to Ginter et al. (U.S. Patent No. 6,640,304) and therefore, the finality of that action is withdrawn. Rejections based on the newly cited reference follow.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 8-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kawan et al. (Kawan), U.S. Patent No. 5,572,572 (previously used in rejection of original claims 1-7), in view of Ginter et al. (Ginter), U.S. Patent No. 6,640,304.

Regarding claim 8, Kawan discloses a method for providing consumer products in the embedded systems market, the method comprising:

forming an electronic product as an adaptive silicon portion (i.e., reads on hardware, e.g., PGA chip) structured for operation by a digitation file (i.e., reads on reconfiguration code)(col. 10, lines 39-42).

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Kawan fails to explicitly disclose offering the electronic product as two separate consumer items, the adaptive silicon portion and the digitation file, wherein the digitation file bears a higher percentage of a total cost of the electronic product.

In a similar field of endeavor, Ginter discloses offering the electronic product as two separate consumer items, the adaptive silicon portion (i.e., reads on tv box set up or PDA) and the digitations file (i.e., reads on firmware) (col. 60, line 29 to col. 61, line 8), wherein the digitation file bears a higher percentage of a total cost of the electronic product (i.e., inexpensive silicon hardware such as tv box set up or PDAs, e.g., using little memory) (col. 34, lines 26-35 and 52-59).

At the time of the invention it would have been obvious to one of ordinary skill in the art to modify Kawan to include inexpensive silicon hardware for the purpose of providing a low-cost terminal device for a user (see Kawan, col. 23, lines 51-58).

Regarding claim 9, Kawn as modified by Ginter discloses the method of claim 8 further comprising offering a selection of multiple, separate digitation files to provide alternative structures for the silicon portion (see Kawan, col. 12, lines 48-67 to col. 13, lines 1-7 and lines 45-50).

Regarding claim 10, Kawan as modified by Ginter discloses the method of claim 8 wherein forming further comprises forming a cellular phone (i.e., reads on PDA or telephone communication over broadcast communication) (see Ginter, col. 9, lines 3-9).

At the time of the invention it would have been obvious to one of ordinary skill in the art to modify Kawan to include inexpensive silicon hardware, such as an cell phone

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or PDA, for the purpose of providing a low-cost terminal device for a user (see Kawan, col. 23, lines 51-58)

Regarding claim 11, Kawan as modified by Ginter, discloses the method of claim 8 further comprising selecting one of the digitation files and downloading the selected digitation file into the electronic product (see Kawan, col. 12, lines 48-67 to col. 13, lines 1-7 and lines 45-50).

Regarding claim 12, Kawn as modified by Ginter, discloses the method of claim 8 wherein the adaptive silicon portion further comprises an adaptive computing engine (i.e., microcomputer) (see Kawan, col. 9, lines 1-2).

Regarding claim 13, Kawan as modified by Ginter, discloses the method of claim 12, wherein the adaptive computing engine further comprises a controller, one or more reconfigurable matrices, a matrix interconnection network, and a memory (see Kawan, col. 9, lines 62-67 to col. 10, lines 1-6).

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Leaver et al. U.S. Patent No. 6,195,788, discloses a mapping heterogeneous logic elements in a programmable logic device.

Klingman, U.S. Patent No. 5,860,021, discloses a single chip microcontroller having a downloadable memory.

Altschul et al. U.S. Patent No. 6,601,580, discloses a disposable wireless telephone and method for call-out only.

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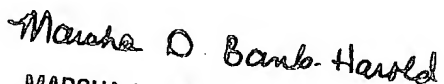
5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joy K Contee whose telephone number is 703-308-0149. The examiner can normally be reached on M (alternating), T & Th, 5:30 a.m. to 2:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold can be reached on 703-305-4379. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Joy Contee

October 25, 2004


MARSHA D. BANKS-HAROLD
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600